IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 8003 of 1995

Between:

1 T. Vijaya Kumar S/o. T.Narayana Swamy
in Hyderabad Allwyn Limited, allotted to A.P. Industrial

Development Corporation,
Hyderabad.
2 V. Sarveswar Rao S/o. V. Hanumaiah
in Hyderabad Allwyn Limited, allotted to A.P. Industrial

Development Corporation,
Hyderabad.
3 K. Venkateswara Rao S/o. K. Sobhanachalam,
in Hyderabad Allwyn Limited, allotted to

Nizam Sugars Limited,
Hyderabad. and presently working at Bobbili.
4 V. Ramesh Kumar S/o. V. Laxminarayana
in Hyderabad Allwyn Limited, allotted to

A.P.Small Scale Industrial Development
Corporation Limited, Hyderabad.
5 V. Lakshmi Narayana S/o. V. Somasundara Rao
in Hyderabad Allwyn Limited, allotted to

A.P.Small Scale Industrial Development
Corporation Limited, Hyderabad.
6 S. Srinivasa Murthy S/o. S. Satyanarayana Sarma
in Hyderabad Allwyn Limited, allotted to

A.P.Small Scale Industrial Development
Corporation Limited, Hyderabad.
7 A. Sudhakar S/o. K.N. Apsingekar
in Hyderabad Allwyn Limited, allotted to

A.P. Beverages Corporation Ltd,

Hyderabad.
8 S. Sudheer S/o. S. Rajesham
in Hyderabad Allwyn Limited,

allotted to A.P. Foods, Nacharam,
Hyderabad.
9 L. Srinivasa Kumar S/o. L. Subba Rao
in Hyderabad Allwyn Limited, allotted to A.P. Foods,
Hyderabad.
10 D. Veerabhadra Rao S/o. D. RamaRao
in Hyderabad Allwyn Limited, allotted to

A.P. Mineral Development Corporation,
Hyderabad.
11 M. Ravi Prasad S/o. M. Subba Rao
in Hyderabad Allwyn Limited, allotted to

A.P. Housing Board,
Hyderabad.
12 N. Narasimha Swamy S/o. N. Mallaiah
in Hyderabad Allwyn Limited, allotted to

A.P. State Agro Industries Development
Corporation Limited,Hyderabad.
13 Aitha Madhusudan Rao S/o. Late Shri. A. Kanakiah
in Hyderabad Allwyn Limited, Hyderabad

allotted to A.P. Beverages Corporatioin Ltd.,
Hyderabad.

..... PETITIONERS

AND

1 State of Andhra Pradesh, rep. by Chief Secretary,

A.P. Secretariat Buildings,
Hyderabad.
2 Convenor, Empowered Committee, and Managing Directors,

Andhra Pradesh Industrial Development Corporation,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, especially one in the nature of Mandamus; i) declare that the petitioners are entitled for absorption in the allotted Corporations/Public Sector Enterprises etc., in terms of G.O.Rt.No. 383 and 384 Industries and Commerce Department dt. 31.3.1993 and G.O.Ms.NO. 180 Industries and Commerce Department dt. 28.4.1993; ii) to declare that the State Government is estopped from discharging the petitioners from service in view of their undertaking before B.I.F.R. on 4.4.1994 and the agreement before the Deputy Commissioner of

Labour under Sec. 12 (3) of the Industrial Disputes Act, 1947; iii) to direct the respondents to grant the increments due to the petitioners from the date of their release from Hyderabad Allwyn Limited with an interest at 18 percent per annum on the amounts due; and iv) to grant such other relief or reliefs as this hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.V.JOGAIAH SARMA

Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE

The Court made the following :

ORDER:

Heard.

2. The dispute involved in this writ petition is with regard to absorption and for payment of scales to the erstwhile employees of Allwyn company, Hyderabad.

3. It is brought to the notice of this Court that subsequently pursuant to the judgment rendered by Supreme Court, the Government had issued G.O.Ms.No.337, Industries and Commerce (IFR.II) Department dated 17-11-2003, prescribing certain conditions regarding absorption and fixation of pay scale to the said employees. One said G.O is made part of the record.

4. Having regard to the facts and circumstances and taking the G.O into consideration, this writ petition is disposed of with the following direction to the respondents:

The case of the petitioners shall be considered in the light of the G.O.Ms.No.337, Industries and Commerce (IFR.II) Department, dated 17-11-2003.

5. In the circumstances of the case, there shall be no order as to costs.

05.08.2004

AVS/**vs**

To

1 The Chief Secretary, State of Andhra Pradesh,

A.P.,Secretariat Buildings,
Hyderabad.

2 The Convenor, Empowered Committee, and Managing

Directors,

Andhra Pradesh Industrial Development Corporation,
Hyderabad.

3 Two CCs to the G.P for Industries and Commerce, High

Court of A.P., Hyderabad. (O.U.T).

4 Two CD copies.

THE HON'BLE MR JUSTICE D.S.R.VARMA

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WRIT PETITION NO. 8003 OF 1995

Dated: 05-08-2004